



06-15-04 IFWR 07/16/07

PTO/SB/30 (10-01)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
MS RCE
Alexandria, VA 22313

| | |
|------------------------|---------------|
| Application Number | 10/054,680 |
| Filing Date | 01/22/02 |
| First Named Inventor | Friddle |
| Art Unit | 1647 |
| Examiner Name | C. J. Nichols |
| Attorney Docket Number | LEX-0301-USA |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other Return postcard, fee transmittal (orig & copy)
EX. A-B

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17 (i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0892
- i. ☒ RCE fee required under 37 CFR 1.17 (e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------------------|-----------------------------------|---------------|
| Name (Print/Type) | Lance K. Ishimoto | Registration No. (Attorney/Agent) | 41,866 |
| Signature | <i>Lance K. Ishimoto</i> | Date | June 14, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

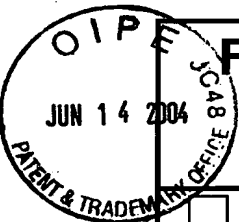
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, EV322477679US, in an envelope addressed to: Commissioner For Patents, MS RCE, P.O. Box 1450, Alexandria, VA 22313 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|---------------------|------|---------------|
| Name (Print/Type) | Nancy Stacey | Date | June 14, 2004 |
| Signature | <i>Nancy Stacey</i> | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

06/16/2004 CNGUYEN 00000094 500892 10054680

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FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

| | | | |
|-------------------------|-------------|---------------------|--------------|
| TOTAL AMOUNT OF PAYMENT | (\$ 770.00) | Attorney Docket No. | LEX-0301-USA |
|-------------------------|-------------|---------------------|--------------|

Complete if Known

| | |
|----------------------|---------------|
| Application Number | 10/054,680 |
| Filing Date | 01/22/02 |
| First Named Inventor | Friddle |
| Examiner Name | C. J. Nichols |
| Group Art Unit | 1647 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number: 50-0892
Deposit Account Name: Lexicon Genetics Incorporated

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--------------------------------|----------|
| | | 1001 | 770 | 2001 385 Utility filing fee | |
| | | 1002 | 340 | 2002 170 Design filing fee | |
| | | 1003 | 530 | 2003 265 Plant filing fee | |
| | | 1004 | 770 | 2004 385 Reissue filing fee | |
| | | 1005 | 160 | 2005 80 Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 9 | -20**= | 0 | |
| 8 | -8*= | 0 | |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|---|----------|
| | | 1202 | 18 | 2202 9 Claims in excess of 20 | |
| | | 1201 | 86 | 2201 43 Independent claims in excess of 3 | |
| | | 1203 | 290 | 2203 145 Multiple dependent claim, if not paid | |
| | | 1204 | 86 | 2204 43 **Reissue independent claims over original patent | |
| | | 1205 | 18 | 2205 9 ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| | | 1051 | 130 | 2051 65 Surcharge - late filing fee or oath | |
| | | 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet | |
| | | 1053 | 130 | 1053 130 Non-English specification | |
| | | 1812 | 2,520 | 1812 2,520 For filing a request for ex parte reexamination | |
| | | 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action | |
| | | 1805 | 1,840* | 1805 1,840** Requesting publication of SIR after Examiner action | |
| | | 1251 | 110 | 2251 55 Extension for reply within first month | |
| | | 1252 | 420 | 2252 210 Extension for reply within second month | |
| | | 1253 | 950 | 2253 475 Extension for reply within third month | |
| | | 1254 | 1,480 | 2254 740 Extension for reply within fourth month | |
| | | 1255 | 2,010 | 2255 1,005 Extension for reply within fifth month | |
| | | 1401 | 330 | 2401 165 Notice of Appeal | |
| | | 1402 | 330 | 2402 165 Filing a brief in support of an appeal | |
| | | 1403 | 290 | 2403 145 Request for oral hearing | |
| | | 1451 | 1,510 | 1451 1,510 Petition to institute a public use proceeding | |
| | | 1452 | 110 | 2452 55 Petition to revive - unavoidable | |
| | | 1453 | 1,330 | 2453 665 Petition to revive - unintentional | |
| | | 1501 | 1,330 | 2501 665 Utility issue fee (or reissue) | |
| | | 1502 | 480 | 2502 240 Design issue fee | |
| | | 1503 | 640 | 2503 320 Plant issue fee | |
| | | 1460 | 130 | 1460 130 Petitions to the Commissioner | |
| | | 1807 | 50 | 1807 50 Processing fee under 37 CFR 1.17(q) | |
| | | 1806 | 180 | 1806 180 Submission of Information Disclosure Stmt | |
| | | 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) | |
| | | 1809 | 770 | 2809 385 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | | 1810 | 770 | 2810 385 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | | 1801 | 770 | 2801 385 Request for Continued Examination (RCE) | 770.00 |
| | | 1802 | 900 | 1802 900 Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 770.00)

SUBMITTED BY

| | | | | | |
|-------------------|-------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Lance K. Ishimoto | Registration No. (Attorney/Agent) | 41,866 | Telephone | (281) 863-3333 |
| Signature | | Signature | | Date | June 14, 2004 |

Customer # 24231

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|-----------------------|--------------------------------|
| Applicant(s): | Friddle <i>et al.</i> | Group Art Unit: 1647 |
| Application No.: | 10/054,680 | Examiner: C. J. Nichols |
| Filed: | 01/22/02 | |
| Title: Novel Human Ion Exchanger Proteins and Polynucleotides Encoding the Same | | Atty. Docket No.: LEX-0301-USA |

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114
AMENDMENT AND RESPONSE

Mail Stop RCE
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The Applicants acknowledge the receipt of the Advisory Action mailed on March 4, 2004 (Paper No. 0), which has been carefully reviewed and studied. In the Advisory Action the Examiner objected to new information submitted in response to the Final Office Action (the "Final Action"). While Applicants do not agree that this information requires a new search, Applicants do believe that consideration of this evidence is critical to proper and accurate examination, thus in order to more rapidly advance this application towards allowance Applicants hereby respectfully request continued examination of application Serial No: 10/054,680 and submit again the following amendments and evidence and respectfully request reconsideration of the application in view of these amendments, submissions and remarks.

A Petition for an Extension of Time of two months to and including June 20, 2004, which falls upon a Sunday and is thus extended to June 21, 2004 and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(1) from Applicants' representatives Deposit Account are included. The response is thus timely filed. Applicants believe no fees in addition to the fee for the extension of time and the fee for the Request for Continued Examination (RCE) are due in connection with this response.

However, should this be incorrect the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.